

## **R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

### **SUPPORT FOR CLAIM AMENDMENTS**

Support for the claim amendments may be found on page 5, lines 2-5, page 8, lines 10-11, page 9, lines 19-21, page 11, lines 8-12, page 12, line 21 to page 13, line 2, and page 19, lines 13-15 of the specification as filed. Thus, no new matter has been added.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 1-4, 9-12, 14-17, and 21-22 under 35 U.S.C. §103 as being unpatentable over Stewart (U.S. Patent Pub 2004/0252243 A1, hereinafter, Stewart) in view of Nazarathy (U.S. Patent No. 6,490,727 B1, hereinafter, Nazarathy) in further view of Hoarty (U.S. Patent Pub 2003/0140351 A1, hereinafter Hoarty) has been obviated by amendment and should be withdrawn.

The rejection of claims 14-16, and 22 under 35 U.S.C. §103 as being unpatentable over Nazarathy in further view of Hoarty has been obviated by amendment and should be withdrawn.

The rejection of claims 17 and 21 under 35 U.S.C. §103 as being unpatentable over Nazarathy in further view of Hoarty in further view of Stewart has been obviated by amendment and should be withdrawn.

The rejection of claims 5-8, and 18-20 under 35 U.S.C. §103 as being unpatentable over Stewart in view of Nazarathy in further view of Hoarty in further view of Rakib (U.S. Patent Pub 2004/0181800 A1, hereinafter Rakib) has been obviated by amendment and should be withdrawn.

The rejection of claim 13 under 35 U.S.C. §103 as being unpatentable over Rakib in view of Hoarty has been obviated by amendment and should be withdrawn.

Stewart teaches a television signal receiver system (title). Nazarathy teaches a distributed termination system for two-way hybrid networks (title). Hoarty teaches a cable television system compatible bandwidth upgrade using embedded digital channels (title). Rakib teaches a thin DOCSIS in-band management for interactive HFC service delivery (title).

In contrast, the claim 1 of the present invention provides for an apparatus comprising a transmodulator unit. The transmodulator unit may comprise (i) a first input configured to receive a baseband video signal, (ii) a second input configured to receive a first encoded data signal and (iii) an output configured to present a second encoded data signal to a legacy receiver. The second encoded data signal may be generated in response to the first encoded data signal and the baseband video signal. The first encoded data signal may comprise an advanced data signal. The legacy receiver may not be compliant with the advanced data signal.

The second encoded data signal may comprise a legacy data signal. The legacy data signal may comprise the advanced data signal converted to be compliant with the legacy receiver. The baseband video signal may comprise information (i) generated by the legacy receiver and (ii) configured to program the transmodulator unit to convert the advanced data signal to the legacy data signal. The references, alone or in combination, do not teach or suggest each of these elements. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

In particular, claim 1 contains the limitation that the baseband video signal may comprise information generated by the legacy receiver. Stewart is silent concerning a baseband video signal generated by a legacy receiver, as presently claimed. Nazarathy does not cure the deficiencies of Stewart. At best, Nazarathy teaches transferring information in a baseband signal. Nazarathy is silent concerning the baseband video signal comprising information being generated by a legacy receiver, as presently claimed. Hoarty does not cure the deficiencies of Stewart and Nazarathy. At best, Hoarty teaches embedding information in preexisting channels. Hoarty does not appear to teach a baseband signal comprising information generated by a legacy receiver, as presently claimed. The references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 13 and

14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

Claim 1 also contains the limitation that the baseband video signal may comprise information configured to program the transmodulator unit to convert the advanced data signal to the legacy data signal. Stewart is silent concerning a baseband video signal. Nazarathy does not cure the deficiencies of Stewart. At best, Nazarathy appears to describe transferring timing data to synchronize communications. Nazarathy is silent concerning a baseband video signal that contains information configured to program a transmodulator unit to convert an advanced data signal to a legacy data signal, as presently claimed. Hoarty does not cure the deficiencies of Stewart and Nazarathy. At best, Hoarty, teaches embedding information in preexisting channels. Hoarty is silent concerning a baseband video signal that comprises information configured to program a transmodulator unit to convert an advanced data signal to a legacy data signal, as presently claimed. Therefore, the references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Claims 13 and 14 contain similar limitations. As a result, claims 1, 13 and 14 are fully patentable and the rejection should be withdrawn.

Claim 13 contains the limitation that a baseband video signal may comprise programming information embedded in at least one of a vertical blanking interval and a chroma portion of the

baseband video signal, wherein the programming information is generated by a legacy receiver. Claim 13 also indicates that the embedded programming information controls the transmodulator unit to convert a first encoded signal that is not compliant with a legacy receiver to a second encoded signal that is compliant with the legacy receiver. Rakib is silent concerning programming information generated by the legacy receiver, as presently claimed. At best, Rakib teaches transferring information in a baseband signal to a television display. Rakib does not appear to teach the legacy receiver generating programming information, as presently claimed. Rakib also does not appear to teach the programming information controlling a transmodulator to convert a first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver, as presently claimed. Hoarty does not cure the deficiencies of Rakib. Hoarty does not appear to teach or suggest a legacy receiver that generates programming information, as presently claimed. Hoarty also does not appear to teach or suggest the programming information controlling a transmodulator to convert an first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver, as presently claimed. At best, Hoarty appears to embed additional channel information in existing channels. The additional channel information of Hoarty does not appear to be

programming information generated by a legacy receiver to control a transmodulator to convert an first encoded data signal that is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver, as presently claimed. As a result, the references, alone or in combination, do not teach or suggest each of the limitations of claim 13. As such claim 13 is fully patentable and the rejection should be withdrawn.

Claims 2-12, 15-22 depend, directly or indirectly, from the independent claims, which are now believed to be allowable.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

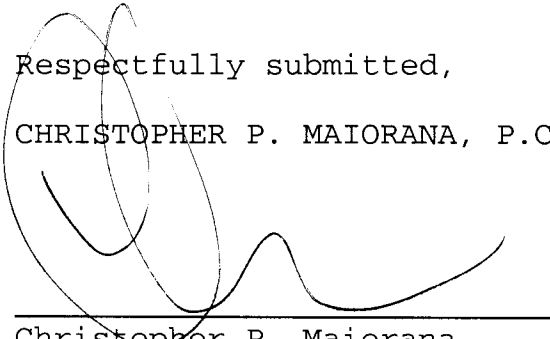
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit  
Account No. 50-0541.

Respectfully submitted,

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